

DJL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: GRAND JURY SUBPOENA TO
FACEBOOK, INC.

TO BE FILED UNDER SEAL

**Application for Non-Disclosure Order
Pursuant to 18 U.S.C. § 2705(b)**

No. 18-MC- 2579

**APPLICATION FOR ORDER COMMANDING FACEBOOK, INC. NOT TO
NOTIFY ANY PERSON OF THE EXISTENCE OF GRAND JURY SUBPOENA**

The United States requests that the Court order Facebook, Inc. not to notify any person (including the subscribers and customers of the account listed in the subpoena) of the existence of the subpoena attached to the proposed Order submitted herewith for the period of one year from the date of the Order.

Facebook, Inc. is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and a remote computing service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires Facebook, Inc. to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to the targets of

the investigation, and there is reason to believe that its disclosure will alert the targets to the ongoing investigation. Specifically, the account listed in the subpoena is believed to belong to individuals who are targets of the investigation, who are at large and who do not yet know of the investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically and can be completely and permanently erased. If alerted to the existence of the subpoena, there is reason to believe that the subjects under investigation will destroy that evidence and change their patterns of behavior.

WHEREFORE, the United States respectfully requests that the Court grant the proposed Order directing Facebook, Inc. not to disclose the existence or content of the subpoena attached to the proposed Order for the period of one year from the date of the Order, except that Facebook, Inc. may disclose the subpoena to an attorney for Facebook, Inc. for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all

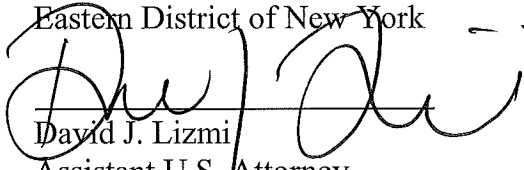
of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Dated: Brooklyn, New York
September 26, 2018

RICHARD P. DONOGHUE

United States Attorney
Eastern District of New York

By:



David J. Lizmi
Assistant U.S. Attorney
(718) 254-7010

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IN RE: GRAND JURY SUBPOENA TO
FACEBOOK, INC.

TO BE FILED UNDER SEAL

No. 18-MC- 2579

ORDER

The United States has submitted an application pursuant to 18 U.S.C. § 2705(b), requesting that the Court issue an Order commanding Facebook, Inc., an electronic communication service provider and/or a remote computing service, not to notify any person (including the subscribers and customers of the account listed in the subpoena) of the existence of the attached subpoena for the period of one year from the date of this Order.

The Court determines that there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, or intimidate potential witnesses. *See* 18 U.S.C. § 2705(b).

IT IS THEREFORE ORDERED under 18 U.S.C. § 2705(b) that Facebook, Inc. shall not disclose the existence of the attached subpoena, or this Order of the Court, to the listed subscriber or to any other person for the period of one year from the date of this Order, except that Facebook, Inc. may disclose the attached subpoena to an attorney for Facebook, Inc. for the purpose of receiving legal advice.

IT IS FURTHER ORDERED that the application and this Order are sealed until otherwise ordered by the Court.

Dated: Brooklyn, New York
September 26, 2018

Steven Tiscione

THE HONORABLE STEVEN L. TISCIONE
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK

F. # 2018R00560

AO 110 (Rev. 06/09) Subpoena to Testify Before a Grand Jury

UNITED STATES DISTRICT COURT

for the

Eastern District of New York

18 - MC - 2579

SUBPOENA TO TESTIFY BEFORE A GRAND JURY

To: Facebook, Inc.
Attn: Security Department
Custodian of Records
1601 S. California Avenue
Palo Alto, CA 94304

YOU ARE COMMANDED to appear in this United States district court at the time, date, and place shown below to testify before the court's grand jury. When you arrive, you must remain at the court until the judge or a court officer allows you to leave.

Place: U.S. District Court, Eastern District of New York
225 Cadman Plaza East, 5th Floor, Room N547
Brooklyn, New York 11201

Date and Time:
October 4, 2018 at 10:00 a.m.

You must also bring with you the following documents, electronically stored information, or objects (*blank if not applicable*):

See Attached Rider.



You may comply with this subpoena by providing the requested information to Special Agent Andrew O'Connell of the Bureau of Alcohol, Tobacco, Firearms and Explosives, 1250 Waters Place, Tower 1, Suite 801, Bronx, New York 10461. Special Agent O'Connell can be contacted at 917-734-1028.

Date: Sept. 26, 2018

DOUGLAS C. PALMER

CLERK OF COURT

A handwritten signature in black ink, appearing to read "D. Palmer", is written over a horizontal line.

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the United States attorney, or assistant United States attorney, who requests this subpoena, are:

Assistant U.S. Attorney David J. Lizmi, U.S. Attorney's Office, Eastern District of New York
271 Cadman Plaza East, Brooklyn, New York 11201
David.Lizmi@usdoj.gov
(718) 254-6449

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PROOF OF SERVICE

This subpoena for *(name of individual or organization)* _____
was received by me on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Facebook, Inc.
Attn: Security Department/Custodian of Records
1601 S. California Ave.
Palo Alto, CA 94304
650-644-3229 (fax)

RIDER

The below listed Facebook accounts are related to an ongoing investigation. In accordance with the preceding subpoena, please provide the following information related to these accounts and any associated accounts;

Account names:

- **“Gloxks”, also known as, “Tayshawn Gloxks.”**
1. Complete subscriber/contact information for related accounts including: subscriber name, date of birth, social security number, telephone number(s), billing address, mailing address, email address, screen name, website and any other subscriber information kept on file.
 2. Account information including length of service, initial date service was established, past and present means and source of payment, and any other accounts held by the account holders.
 3. IP logs for any of the above mentioned users; to include subscriber information for any and all assigned static and/or dynamic IP addresses providing service for this account from the time period beginning on April 01, 2018 until the present.
 4. User Photoprints.
 5. User Neoprints.

Please direct any questions concerning the above request, as well as the return of these materials, to Special Agent Andrew O'Connell of the Bureau of Alcohol, Tobacco, Firearms and Explosives, 1250 Waters Place, Tower 1, Suite 801, Bronx, New York 10461. Special Agent O'Connell can be contacted at 917-734-1028.